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6 Attorneys for Defendant Unifund CCR Partners

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ASIF A. SIAL, an individual.

) CASE NO.: 08-CV-0905 JM CAB

Plaintiff.

**NOTICE OF MOTION AND
MOTION BY DEFENDANT
UNIFUND CCR PARTNERS FOR
JUDGMENT ON THE PLEADINGS**

vs.

Date: August 1, 2008
Time: 1:30 p.m.
Courtroom: 16, 5th Floor

Defendants

Honorable Jeffrey T. Miller

1 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT at 1:30 a.m. on August 1, 2008, in
3 courtroom 16 of the above Court, located at 940 Front Street, San Diego, California,
4 the Honorable Jeffrey T. Miller presiding, defendant Unifund CCR Partners
5 ("Unifund") will and hereby does move this Court for an Order, pursuant to Rule
6 12(c) of the Federal Rules of Civil Procedure, for judgment on the pleadings as to
7 the entire Complaint in this action. Each of Plaintiff's claims fails as a matter of
8 law. Plaintiff's claims allegedly arising under the Fair Debt Collection Practices
9 Act, 15 U.S.C. § 1692 *et seq.* are barred by the *Noerr-Pennington* doctrine, and
10 Plaintiff's state law claims allegedly arising under the California Rosenthal Fair
11 Debt Collection Practices Act, Cal. Civ. Code §1788 *et seq.*, are barred by the
12 litigation privilege under California law.

13 The Motion will be based on this Notice of Motion and Motion, the
14 Memorandum of Points and Authorities filed herewith, all of the other papers on
15 file in this action, and such other and further evidence or argument as the Court may
16 allow.

17 Respectfully submitted,

18 DATED: June 30, 2008

SIMMONDS & NARITA LLP

20 By: s/Michael R. Simmonds

21 Michael R. Simmonds
22 Attorneys for Defendant
23 Unifund CCR Partners

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CERTIFICATE OF SERVICE

I, Michael R. Simmonds, hereby certify that:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816. I am counsel of record for defendant Unifund CCR Partners in this action.

8 On June 30, 2008, I caused the **NOTICE OF MOTION AND MOTION**
9 **BY DEFENDANT UNIFUND CCR PARTNERS FOR JUDGMENT ON THE**
10 **PLEADINGS** to be served upon the parties listed below via the Court's Electronic
11 Filing System:

VIA ECF

14 Jeremy S. Golden
15 jeremy@efaganlaw.com
Counsel for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.
Executed at San Francisco, California on this 30th day of June, 2008.

By: s/Michael R. Simmonds
Michael R. Simmonds
Attorneys for Defendant
Unifund CCR Partners